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VIA ECF

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January 17, 2024

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The Honorable Kenneth M. Karas
The Hon. Charles L. Brieant Jr. Federal Building
and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: *Bell v. PepsiCo, Inc.*, No. 7:23-cv-08600-KMK

Dear Judge Karas:

In accordance with Paragraph 1C of Your Honor's Individual Rules of Practice and Local Rule 7.1(d), we write to request an adjournment of the Pre-Motion Conference regarding PepsiCo's anticipated Motion to Dismiss in the above-captioned matter by fourteen (14) days, or the Court's first available date after that time. PepsiCo has not previously requested an adjournment of this Pre-Motion Conference. Counsel for Plaintiff Henry Bell consents to PepsiCo's request.

The parties have been engaging in negotiations to explore potential resolution of this litigation without the need for a hearing or motion practice. The discussions between the parties have been productive. The parties have made progress in their discussions, but a resolution of this matter has not been reached to date. The requested adjournment will provide the parties time to continue their productive negotiations, in an effort to resolve this matter without the Court and the parties needing to expend unnecessary time or resources on motion practice or hearings.

The Pre-Motion Conference is currently scheduled for January 24, 2024 at 11:30 a.m. See ECF No. 15. Both parties would be available at the Court's convenience for a rescheduled conference between Wednesday, February 7 and Thursday, February 15, 2024

Accordingly, PepsiCo respectfully requests that the Court adjourn the Pre-Motion Conference regarding PepsiCo's forthcoming Motion to Dismiss by at least fourteen (14) days.

Respectfully submitted,

Robert Niles-Weed

Robert Niles-Weed

Granted. The 1/24/24 conference is adjourned to
2/ 14 /24, at 12:00

So Ordered.

RJW
1/17/24

cc: All Counsel of Record via ECF